

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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PAUL T. PAPADAKIS,
:
PLAINTIFF
:
VS.
:
CSX TRANSPORTATION,
:
DEFENDANT
-----X

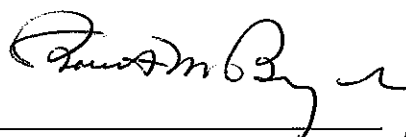
CIVIL ACTION
NO.: 04-30189-MAP

PLAINTIFF'S MOTION IN LIMINE

Now comes the Plaintiff in the above entitled action, and respectfully moves the Court for an order precluding the Defendant from commenting upon or otherwise producing evidence of Plaintiff's receipt of benefits from Railroad Retirement Board. In support thereof, the Plaintiff suggests that the Defendant may offer evidence concerning the Plaintiff receipt of benefits received from the United States Railroad Retirement Board and/or insurers who have paid sickness and/or disability benefits to the Plaintiff. The Plaintiff acknowledges that the U.S. Railroad Retirement benefits constitute a statutory lien. However, the Plaintiff says that evidence that such benefits were received by the Plaintiff is evidence of a collateral service and inadmissible, Eichel v. NYCRR 375 U.S. 253, 84 S Ct. 316.

Copy of case appended.

Respectfully submitted,



Robert M. Byrne, Jr.

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